

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

Sunrise Development, Inc.,)
)
 Plaintiff,)
)
 v.) Civil Action No. 1:11cv124
)
 Dimella Shaffer Associates, Inc.,)
)
 Defendant.)

MEMORANDUM OPINION

THIS MATTER came before the Court on Defendant's Motion to Compel Discovery Responses (Doc. 34). The Court has reviewed the pleadings as well as the documents submitted *in camera*.

The Court finds that Document #39 clearly contains legal advice and is protected by the attorney client privilege. Although plaintiff may have only initially claimed attorney work product privilege with regard to this document, the Court finds that is appropriately withheld. The Court will not undertake a line-by-line review to determine if it is identical to the document sent to Weitz, although defendant may obviously use the document it already has in its possession.

As to the remainder of the documents at issue, the Court finds that plaintiff's claims of attorney client communications, attorney work product and Federal Rules of Evidence 408 are appropriate and these documents are also appropriately withheld.

Therefore, plaintiff's Motion to Compel Discovery Responses (Doc. 34) is DENIED. An appropriate order shall be issued.

ENTERED this 22nd day of September, 2011.

/s/

THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia